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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,537	12/22/2000	Robert A. Migliorini	10212	2084

23455 7590 11/21/2003

EXXONMOBIL CHEMICAL COMPANY  
P O BOX 2149  
BAYTOWN, TX 77522-2149

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 11/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

ab 13

<b>Advisory Action</b>	<b>Application No.</b> 09/747,537	<b>Applicant(s)</b> MIGLIORINI ET AL.	
	<b>Examiner</b> Kevin R Kruer	<b>Art Unit</b> 1773	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): rejection of claims 37 and 38 under 35 USC, 1<sup>st</sup> Paragraph  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-7,9,10,12-30,33, 35,37, and 38.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☒ Other: see attached

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***Advisory Action***

Applicant's arguments filed November 11, 2003 have been fully considered but are not persuasive.

The rejection of claims 37 and 38 under 35 U.S.C. 112, first paragraph has been overcome. The examiner mistakenly read the claim to read on the area reduction shrinkage. The claims are actually drawn to the sum of the linear shrinkage in the machine direction and the linear shrinkage in the transverse direction.

With respect to Shoegl or Peiffer in view of Blemberg, Applicant argues that Blemberg would not have motivated one of ordinary skill in the art to add components from the skin layers of Shoegl and/or Peiffer to the core layer. Applicant argues that the teachings of Blemberg are directed to the adhesion between polyolefin and polar polymers and, therefore, would not have suggested the modification of the films taught by Shoegl and Peiffer. The examiner respectfully disagrees. Blemberg is directed to the improved adhesion between any two polymeric layers by blending the compositions of adjacent layers. Therefore, the rejection is maintained.

With respect to Shoegl or Peiffer in view of Keller, Applicant argues that the film taught by Keller is non-analogous to the films of Shoegl and Peiffer. Specifically, Keller is drawn to a uniaxially shrinkable film wherein the axis of shrinkage is in the machine direction whereas the films of Shoegl and Peiffer are shrinkable in both the machine and transverse directions. The examiner disagrees with Applicant's conclusion that said difference makes Keller non-analogous. The MPEP states that "analogous prior art" is any reference that is in the same field of applicant's endeavor or is reasonably pertinent

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to the particular problem with which the inventor was concerned. The examiner takes the position that Keller is in the same field of endeavor (shrinkable films) and is concerned with a particular problem with which the invention is concerned (improving the properties of a drawn isotactic polypropylene laminate; see page 2, lines 26-28 of the specification). Thus, the rejections are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 703-305-0025. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*K-RK-*

Kevin R. Kruer  
Patent Examiner

*Paul Thibodeau*

Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700